

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

JOE F. VANLUE)
Plaintiff,)
)
v.) Civil Action No. 3:07CV546
)
MICHAEL J. ASTRUE)
Commissioner of Social Security,)
Defendant.)

ORDER

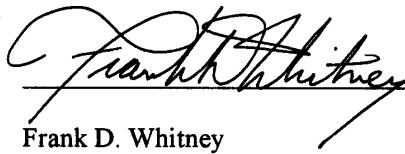
The Defendant, Michael Astrue, Commissioner of the Social Security Administration, has moved this court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings. (Doc. No. 3).

On remand, the Commissioner will assign this matter to an Administrative Law Judge (“ALJ”) who will do the following: 1) re-consider the time period for which Plaintiff’s impairments met or equaled Listing Section 1.06; and 2) if necessary, re-determine Plaintiff’s residual functional capacity, and his ability to perform other work in the national economy.

Pursuant to the power of this court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this court hereby GRANTS the consent motion (Doc. No. 3), REVERSES the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). The Clerk is DIRECTED to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: February 29, 2008



Frank D. Whitney
United States District Judge
